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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/389,437	09/03/1999	SULTAN WEATHERSPOON	5038-12	5396

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EXAMINER

LEE, CHI CHUNG

ART UNIT PAPER NUMBER

2131

DATE MAILED: 07/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/389,437	Applicant(s) WEATHERSPOON ET AL.	
	Examiner Chi-Chung E Lee	Art Unit 2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 03 September 1999.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 September 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)              | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> . | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a) because the figure 1 fails to show the reference characters “Network 10”, “LAN 12”, “LAN 14”, “18”, “20”, “22” and “36” as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). **The items mentioned above are illustrative only and the applicant is requested to correct any instances.** A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 9-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9 recites the limitation “ for enabling access to the wired LAN” in line 9. The limitation does not specify enabling which means to access the wired LAN.

Claim 10 recites the limitation "the wireless device" in line 10. There is insufficient antecedent basis for this limitation in the claim.

Claims 11-15 are rejected by virtue of their dependency.

***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-20 rejected under 35 U.S.C. 102(b) as being anticipated by Nevoux et al (US 5,661,806 A).

As per claim 9, Nevoux discloses a wireless local area network (see figure 1), comprising:

- a) a wireless means (i.e. a mobile station, see figure 1) for use by a wireless device user [see column 3 lines 50-57];
- b) an access means (i.e. a access system, SAA, see figure 1) connected to a wired telephone network STN (i.e. a wired LAN) for authenticating the wireless means (i.e. the mobile station) [see column 3 lines 8-17];
- c) an authentication means (i.e. the management unit, HLR, see figure 1) connected to the wired telephone network STN for enabling to the access to the wired LAN (i.e. wired telephone network STN, see figure 1) after authenticating the access point (i.e. the access system), the wireless device (i.e. the mobile station), and the operator (i.e. the user of the terminal, PA), [see figure 2 and column 4 lines 40-55].

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As per claims 10-11, Nevoux discloses the mobile station comprises a terminal, PA, associated with a user module SIM (i.e. the second authentication means, see figure 1 and column 3 lines 31-35). The SIM transmits the user identification parameter IMUI to the terminal. The terminal then issues a sign-on request which includes the IMUI it has just received from the module SIM and its own identification parameter IMTI (i.e. second authorization message, see column 4 lines 45-49) to access system SAA. The access system, VLR, generates two random numbers R1, R2, and authentication key SRES (i.e. first authorization message, see figure 2) to the terminal through the access system [see column 4 lines 45-52].

As per claims 12,14, Nevoux discloses the VLR (i.e. first authentication means, see figure 1) transmits the second authentication message (i.e. IMTI) and first authentication message (i.e. random numbers R1, R2, and authentication key SRES) to the authentication means (i.e. HLR, see figure 1) after authenticating the wireless device (i.e. terminal) [see column 5 lines 1-25].

As per claim 15, Nevoux discloses the communication between the wireless device (i.e. mobile station) and the access means (i.e. the access system) over the control channel are encrypted. Nevoux discloses the access control process of the wireless network employs two distinct cryptographic functions AG and AT to calculate session keys to handle the communication [see column 4 lines 8-23].

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Claims 1-8 have similar limitations as claims 9-12, 14-15; therefore, they are rejected under the same rationale.

As per claims 16-20, the claimed steps corresponds to the functions of the elements of the apparatus claims 9-12, 14-15, which has been rejected above, and thus rejected with the same reason applied thereto.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nevoux as applied to claims 9-12 above, and further in view of Data Dictionary.

As per claim 13, Nevoux discloses the second authentication means (i.e. module SIM, see figure 1) takes either the form of a memory card (i.e. smart card), or the form of a plug-in component in which are stored various user-specific data [see column 3 lines 33-35].

Nevoux also discloses the first authentication means (i.e. VLR with process circuit 13, see figure 1) comprises a database 12 (i.e. memory with data) containing a session key in connection with the parameters IMUI and IMTI from the terminal. Nevoux does not disclose the first authentication means (i.e. VLR with processing circuit 13) is smart card.

As disclosed in computer dictionary, use of smart card was known prior to applicant's

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filing date. Motivation to include the components of the VLR (i.e. the first authentication means) in the smart card is to allow the access system to update the terminal location information stored in the database 12 [see Nevoux column 5 lines 62-67].

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chi-Chung E Lee whose telephone number is 703-306-4153. The examiner can normally be reached on 8 am - 5 pm, Mon. - Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R Sheikh can be reached on 703-305-9648. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Chi-Chung Lee  
July 20, 2003

  
AYAZ SHEIKH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

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